

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: E. I. DU PONT DE NEMOURS	:	CASE NO. 2:13-MD-2433
AND COMPANY C-8 PERSONAL	:	
INJURY LITIGATION	:	
	:	JUDGE EDMUND A. SARGUS, JR.
This document relates to:	:	
	:	MAGISTRATE JUDGE ELIZABETH P.
<i>Bartlett v. E. I. du Pont de Nemours and</i>	:	DEAVERS
<i>Company, Case No. 2:13-CV-0170</i>	:	

DUPONT'S NOTICE OF APPEAL

Pursuant to Fed. R. App. P. 3, Fed. R. App. P. 4 and 28 U.S.C. § 1291, and other applicable law, Defendant E. I. du Pont de Nemours and Company (“DuPont”) hereby gives notice of its appeal to the United States Court of Appeals for the Sixth Circuit from: (1) the Judgment entered by the United States District Court for the Southern District of Ohio on October 8, 2015 (Doc. 144); (2) all prior non-final orders (whether issued pre-trial, during trial, or after trial) which are thereby rendered final and appealable; and (3) the Order entered on February 17, 2016 (Doc. 161) denying DuPont’s Renewed Motion for Judgment as a Matter of Law or, Alternatively, for a New Trial and Remittitur. This notice also specifically incorporates interlocutory rulings made in the MDL (Case No. 2:13-MD-2433) that pertained to Carla Bartlett’s case and that were rendered final by virtue of the final judgment in Case No. 2:13-cv-170. *See* Doc. 160 (granting DuPont’s motion to clarify the record and holding that all orders entered in the MDL constitute part of the record in Case No. 2:13-cv-170 unless they relate solely to an individual case other than *Bartlett*).

Pursuant to Fed. R. App. P. 4(a)(4)(B)(i), this Notice of Appeal will not be effective until after the district court disposes of Plaintiff’s pending motion for prejudgment and post-judgment interest (Case No. 2:13-MD-2433, Doc. 4258), which should be considered a Rule 59 motion for

purposes of Rule 4(a)(4)(A)(v). *See Osterneck v. Ernst & Whinney*, 489 U.S. 169, 175 (1989) (“[A] postjudgment motion for discretionary prejudgment interest constitutes a motion to alter or amend the judgment under Rule 59(e).”). Although the time to file a notice of appeal has not yet begun to run due to Plaintiff’s pending motion for prejudgment interest, DuPont nonetheless files this notice at the present time out of an abundance of caution and to protect its appellate rights. Pursuant to Rule 4(a)(4)(B)(ii), DuPont will supplement or amend this notice of appeal following a ruling on Plaintiff’s motion for prejudgment interest should it be necessary to do so.

Dated: March 17, 2016.

Respectfully submitted,

s/ *Damond R. Mace*

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CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing was served on this 17th day of March 2016, upon counsel of record, via this Court's electronic filing system.

s/ Damond R. Mace

Damond R. Mace